

The House Committee on Education offers the following substitute to HB 476:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of  
2 Georgia Annotated, relating to compulsory attendance for students in elementary and  
3 secondary education, so as to provide that student performers shall not be counted absent  
4 from school due to performing in certain productions, subject to certain conditions; to  
5 provide that the instruction and related services provided by a studio teacher to a student  
6 performer are aligned with the curriculum and content standards being delivered at the  
7 student performer's school under certain circumstances; to provide for performance  
8 certification forms; to authorize the Department of Labor, in consultation with the  
9 Department of Education, to develop such certification forms and promulgate rules and  
10 regulations; to provide for authorizations by parents or guardians relating to the education  
11 records of student performers; to provide for definitions; to provide a short title; to provide  
12 for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Education on Set Act."

16 **SECTION 2.**

17 Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
18 Annotated, relating to compulsory attendance for students in elementary and secondary  
19 education, is amended by adding a new Code section to read as follows:

20 "20-2-692.3.

21 (a) As used in this Code section, the term:

22 (1) 'Child labor coordinator' means the person who is designated by the employing unit  
23 as responsible for the coordination and safety of the student performer, including, but not  
24 limited to, ensuring that the student performer is provided instruction and related services  
25 by a studio teacher.

26 (2) 'Employing unit' means the person, agency, association, company, corporation,  
27 group, or other organization using the services of a student performer.

28 (3) 'Performance' or 'performing' means participation in a production that is available to  
29 the public, will be made available to the public, or is intended to be made available to the  
30 public.

31 (4) 'Production' means a work that is being presented, will be presented, or is intended  
32 to be presented by way of, but not limited to, the following: stage, screen, television,  
33 internet, digital recording, video tape, audio tape, still photographic or phonographic  
34 recording of any kind, open air, or runway modeling. As used in this Code section,  
35 production shall include an 'exhibition,' as defined by the Department of Labor, but shall  
36 not include any participation or performance related to a production or exhibition  
37 produced exclusively by a public school, private school, or religious organization that has  
38 not been issued a current employing unit certification by the Department of Labor.

39 (5) 'Student performer' means a person under 18 years of age who is enrolled in a public  
40 pre-kindergarten program or elementary or secondary school located in this state, who  
41 has been issued a current minor's certification by the Department of Labor or current  
42 written consent by the Commissioner of Labor as provided in Code Section 39-2-18, and  
43 who is performing in a production. As used in this Code section, such term shall also  
44 mean a person over the age of 18 who is currently enrolled in a public secondary school  
45 located in this state and is performing in a production.

46 (6) 'Studio teacher' means a person certified as a studio teacher by the Department of  
47 Labor, or who holds a valid five-year induction or professional certificate issued by the  
48 Georgia Professional Standards Commission, or who meets the requirements of rules or  
49 regulations promulgated by the State Board of Education for providing instruction and  
50 related services to student performers.

51 (b) A student performer who is performing during all or part of one or more school days  
52 shall be credited as present by the school and shall not be counted as absent, either excused  
53 or unexcused, for all or part of any day missed from school due to such performance that  
54 is certified by the student performer's parent or guardian and the child labor coordinator or  
55 studio teacher assigned to the student performer using a performance certification form  
56 promulgated by the Department of Labor for this purpose. Subject to the provisions of  
57 paragraph (2) of subsection (c) of this Code section, such performance certification form  
58 shall clearly describe the curriculum and content standards that were included in the  
59 instruction and related services provided to the student performer by the studio teacher.  
60 Such performance certification form shall be submitted to an official of the performing  
61 student's school upon the student performer's return to school after the performance which  
62 is the subject of the performance certification. A single performance certification may be

63 provided for a performance that continues for consecutive school days on a single  
64 production.

65 (c)(1) Parents or guardians, studio teachers, child labor coordinators, and employing  
66 units are each responsible for ensuring that the instruction and related services provided  
67 to a student performer by a studio teacher are appropriate.

68 (2) Whenever a student performer is engaged in a performance for three consecutive  
69 school days or longer, regardless of how long the engagement was originally intended to  
70 be, employing units and child labor coordinators shall be responsible for ensuring that the  
71 instruction and related services provided to a student performer by a studio teacher  
72 include appropriate curriculum and content standards that are aligned with the curriculum  
73 and content standards being delivered at the student performer's school regardless of such  
74 student performer's age; and the studio teacher shall be responsible for coordinating with  
75 the student performer's school teachers to ensure appropriate instructional materials and  
76 resources are being used with the student performer, including, but not limited to, lessons,  
77 assignments, and assessments that are aligned with the school's curriculum and content  
78 standards.

79 (3) For a student performer to be credited as present as provided in subsection (b) of this  
80 Code section, parents and guardians shall provide appropriate authorization for the  
81 student performer's studio teachers and school personnel to communicate regarding the  
82 student performer, including, but not limited to, communications involving the student  
83 performer's education records as defined in the federal Family Educational Rights and  
84 Privacy Act (FERPA) and its implementing regulations, 20 U.S.C. Section 1232g; and  
85 34 C.F.R. Part 99.3.

86 (d) Upon consultation with the Department of Education, the Department of Labor shall  
87 promulgate a performance certification form and such policies and procedures necessary  
88 to ensure compliance with this Code section."

89 **SECTION 3.**

90 All laws and parts of laws in conflict with this Act are repealed.